



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

A-24:226 – 728 11th Avenue, Hamilton

Recommendation:

Approve with conditions.

Proposed Conditions:

1. That the proposed driveway material is permeable pavers or a like material to the satisfaction of the Director of Development Planning.

Proposed Notes:



Hamilton

Development Planning:

Background

The purpose of this application is to facilitate the construction of a triplex dwelling. The applicant has applied for a similar Minor Variance application (A-24:226) for the abutting lands to the east to construct a similar triplex dwelling.

The following variances are being **requested**:

1. A minimum 0.92 metre Side Yard shall be permitted instead of the minimum required 1.2 metre setback.
2. A minimum 44% landscaped area in the front yard shall be permitted instead of the minimum required 50% landscaped area.
3. An increase in width due to obstruction where a wall, column or any other obstruction is located abutting or within a parking space shall not be required. Instead of the minimum required 0.3 metre increase for each side which is obstructed.
4. A dwelling unit without an attached garage shall be permitted to have a driveway width that shall not exceed 56% of the lot width instead of the maximum permitted 50%.

Staff have recommended an amendment to variance 1 to only allow relief on the easterly interior side yard, which is adjacent to another proposed triplex by the proponent. This will ensure that the side yard adjacent to existing development remains at the required 1.2m, as shown on the submitted plans.

The following variances is being recommended as **amended**:

1. A minimum easterly side yard setback of 0.92 metres shall be permitted instead of the minimum required 1.2 metre side yard setback.

Urban Hamilton Official Plan

The subject property is designated as Neighbourhoods in the Urban Hamilton Official Plan. Policy E.3.2.3 a) permits residential dwellings, including second dwelling units and housing with supports. Policy E.3.4.3 a) permits single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings. The subject property is not located in any secondary plan area found in Volume 2 of the Urban Hamilton Official Plan. Based on the forgoing policies, a triplex is permitted and conforms to the Urban Hamilton Official Plan.



The following Official Plan policies are applicable among others:

- “E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- a) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
 - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
 - c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
 - d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
 - e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

Staff are of the opinion that the proposal is compatible with the scale and character of the existing residential neighbourhood. Policy E.3.2.7 speaks to the relationship of the design to the existing built character, in particular, E.3.2.7 b) speaks to garages, parking areas, and driveways along the public street shall not be dominant. In staff’s opinion the proposal and the associated variances do not contribute to a form of dominance and achieve a balance between hard and soft landscaping elements and between appropriate residential intensification and neighbourhood compatibility.

City of Hamilton Zoning By-law 05-200

The subject lands are zoned “R1” (Low Density Residential) in Zoning By-law No. 05-200. The “R1” zone permits Triplex Dwellings as a permitted use.



Analysis

Variance 1 (as amended)

1. A minimum easterly side yard setback of 0.92 metres shall be permitted instead of the minimum required 1.2 metre side yard setback.

The intent of the setback provision is to provide sufficient space for access, maintenance and drainage between the building and the lot line. This provision also establishes the minimum separation distance between buildings on adjacent lots and contributes to establishing the streetscape character. Development Planning staff defer concerns related to drainage and grading to Development Engineering staff for comment. Based on the provided drawings, staff do not have concerns as the side yard is only being reduced on one side, which is adjacent to another proposed triplex. The side yard adjacent to existing development is not being reduced. In staff's opinion a sufficient amount of space for access and maintenance is being provided, and the proposed setback is consistent with the character of the area. In staff's opinion the proposed variance will not result in undue adverse impacts. Staff are supportive of variance 1 and recommend approval.

Variance 2

2. A minimum 44% landscaped area in the front yard shall be permitted instead of the minimum required 50% landscaped area.

The intent of this provision is to provide sufficient balance between pervious and impervious landscape elements in the frontage of a lot. Staff are generally supportive of this variance and recommend a condition be included that stipulates that the applicant provide permeable pavers or a similar material for the proposed driveways, as shown on the plans. Providing a permeable paver or like material for the proposed driveway will help mitigate impacts generated through the reduction of landscaped area including and not limited to drainage and stormwater run-off, and softening the increased hardscape appearance along the streetscape. Development Planning defer to Development Engineering staff for comments on grading and drainage. Based on the foregoing, staff are supportive of the proposed variance with the provided condition and recommend approval of variance 2.

Variance 3

3. An increase in width due to obstruction where a wall, column or any other obstruction is located abutting or within a parking space shall not be required. Instead of the minimum required 0.3 metre increase for each side which is obstructed.

The intent of this provision is to increase the stall width where there are obstructions like underground pillar supports that encroach into parking spaces and may limit the function of the parking space by



Hamilton

impacting door swing, etc. In this instance, the obstruction appears to be the proposed porch and window well along the front of the proposed dwellings. Given the locations of the identified obstructions, it is staff's opinion that these obstructions will not interfere with the door swing or access to the proposed parking spaces and the additional parking stall width is not required. Staff are of the opinion that the provided parking space is sufficient to provide for adequate access to any parked vehicles. Based on the forgoing staff are supportive of the proposed variance and recommend approval of Variance 3.

Variance 4

- 4. A dwelling unit without an attached garage shall be permitted to have a driveway width that shall not exceed 56% of the lot width instead of the maximum permitted 50%.

The intent of this provision is to reduce the dominance of the driveways along the streetscape and ensure appropriate space is available for landscaping in the front yard. This variance is related to variance 2 as it speaks to the preservation of landscaping and to reduce driveway dominance along the streetscape. Staff have analysed the proposed variance and generally have no concerns, staff reiterate that the increase from the maximum required lot width percentage being 50% to 56% is minor and maintains the general intent of the provision. Staff are of the opinion that the proposed condition that requires the use of permeable pavers or a similar material will help elevate concerns related to drainage, stormwater run-off and impacts on the streetscape. Staff defer further comment to Development Engineering as it relates to grading and drainage. Based on the forgoing staff are supportive of the proposed variance and recommend approval of Variance 4.

Based on the forgoing analysis staff recommend the approval of **variances 1-4 subject to the proposed condition**, as the proposed variances meet the general intent of the Official Plan & Zoning By-law, are minor in nature, and are desirable for the appropriate development of the lands.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Please be advised upon further review variances 1 to 3 and 9 as requested by the applicant are not required. 2. Insufficient information was provided to determine minimum landscaped area (Section 15.2.1 h)) and Section 4.35 c) of Hamilton zoning By-law 05-200. Additional variances may be required if zoning conformity cannot be achieved. 3. The proposed development shall be in accordance with Section 4.9 of the Hamilton Zoning By-law 05-200.



Hamilton

	4. Please be advised that the Electric Vehicle Parking requirements under By-law 24-052, remain under appeal and are not covered under Section 1.12 of the “Transitional Provisions” of the Hamilton Zoning By-law 05-200. At present, a review of the Electric Parking requirements has not been included in the following zoning chart. If the remaining portions of By-law 24-052 become final before issuance of a building permit, the Electric Vehicle Parking requirements will be applicable upon review for such building permit.
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	N/A
Notes:	N/A

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the conversion of the Single Detached Dwelling to a Triplex.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

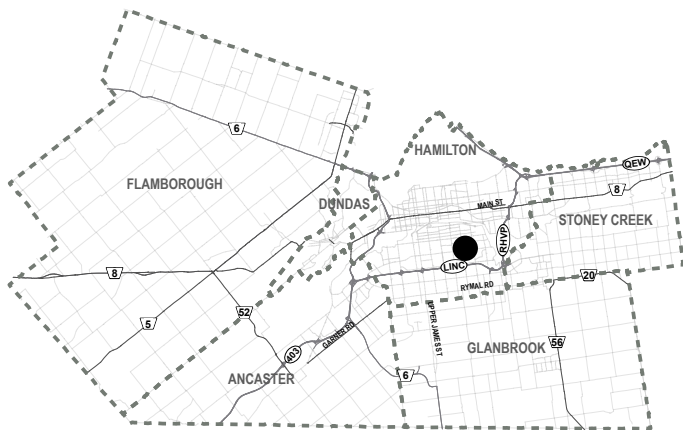
Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	This building looks like a four plex not a Triplex Unit 1 looks like 2 units
Notes:	

Please Note: Public comment will be posted separately, if applicable.




● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 728 11th Avenue, Hamilton (Ward 6)

File Name/Number:
A-24:226

Date:
October 30, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



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